



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the Application of: **Michio Yamaji et al.**

Group Art Unit: **3679**

Serial No.: **09/437,296**

Examiner: **Aaron Dunwoody**

Filed: **November 9, 1999**

P.T.O. Confirmation No.: **7789**

For: **FLUID COUPLING**

Attorney Docket : **991283**

REPLY TO EXAMINER'S ANSWER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

November 9, 2007

Sir:

This paper is in response to the Office Action dated September 10, 2007. No fee is due. In the event that this paper is not timely filed, please consider it a petition for extension of time. Please charge any fees for such an extension of time, and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

The Appellants presented arguments on page 10 of their Brief. The Examiner has responded only in part.

(1) Inner Diameter. The Appellant had argued in the third paragraph on page 10 of the Brief (beginning "Furthermore, ..."), that Eidsmore does not disclose "wherein the gasket has an inside diameter less than the diameter of the opening passageway," whereby the claim distinguishes over the applied art.

The Examiner has not refuted, responded to, or mentioned this feature in the Answer.

(2) Gasket Mid-Point. Starting on page 4 of the Answer, the Examiner discusses the Appellants' argument directed to the claim feature, "wherein the gasket holding annular ridges are rounded so as to be in contact with the flat, non-inclined faces of the gasket only at its radial *midportion*" (emphasis added). This feature was argued in the second paragraph on page 10 of the Brief (beginning "Appellants respectfully disagree ...").

The specification at page 10, lines 17-20, recites "With the coupling of the present invention, the gasket holding annular ridges 71a, 72a are in contact with the gasket 73 at its radial midportion." However, the Examiner asserts (last sentence on page 5) that the specification does not clarify where the *midpoint* of the gasket is.

The Examiner argues that the gasket has no well-defined *midpoint*, because it has two diameters. The Examiner identifies two possible midpoint *regions*, Region₁ and Region₂. The Region₁, on page 5, is defined between midpoints of the wider, upper portion and the narrower, lower portion; the Region₂ is the region which the Examiner is taking to correspond to the claim language (Answer at page 6, line 6).

The Examiner asserts that Region₂ is offset from Region₁ and therefore Region₂ is not actually in the middle, but that it "leaves non-equal portions of gasket extending radially from either side of ... the gasket holding annular ridges" (last sentence on page 6). The Examiner asserts in conclusion that Eidsmore's Fig. 5 anticipates claim 1 because it discloses non-equal portions of gasket extending radially from either side of gasket holding annular ridges.

The Appellants respectfully submit that the Examiner's Region₁ is actually a subset of Region₂, that is, Region₁ lies inside Region₂ (this can easily be determined by using a ruler) and therefore Region₂ includes any possible midpoint, as defined by the Examiner himself.

Eidsmore's Fig. 5 has a well-defined midpoint (the gasket is a simple rectangle in cross section) and the Examiner's Region₃ is artificially extended to include the midpoint; if Region₃ were drawn the way that Region₂ is—that is, extending over just the width of the ridge—then it would *not* include the midpoint.

(3) Drawing vs. Specification. The Appellant believes that the Examiner should not reject the claims based the drawing, when the specification defines the radial midportion by where the ridges are without referring to the drawing. According to the specification, the “radial midportion” is where the gaskets are: and therefore “midportion” refers only to the narrower part of the gasket, the *midpoint* of which is centrally located relative to the annular ridges.

The Appellants note that MPEP § 2125 forbids applying, as prior art, proportions taken from a drawing. With respect, the Examiner's arguments arguably depend on taking proportions from a drawing and applying them as prior art.

Respectfully submitted,

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